

MICHAEL STOPA

US Congress

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Committee to Elect Michael Stopa

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August 3, 2010

General Counsel's Office
Federal Election Commission
Washington, DC 20463

Re: MUR 6332

Dear Sir or Madam:

This response is in regards to the letter dated July 23, 2010 concerning a complaint received by the Federal Election Commission ("Commission") matter number MUR 6332 ("Complaint") regarding alleged errors committed by me, Michael Stopa, and my campaign, The Committee to Elect Michael Stopa ("Campaign").

The Complaint alleges two errors.

First Allegation

The first alleged error is that I failed to include disclaimers on certain materials and my website. According to 11 CFR 110.11(a), I need to add a disclaimer to all "public communications." The term "public communications" is defined in a variety of ways, including mass mailing or electronic mail in excess of "500 substantially similar communications when sent by a political committee." The material in question does not meet this criterion. It was intended to be sent to a core group of supporters – numbering fewer than 225 – as an information piece.

Further, neither I nor the Committee to Elect Michael Stopa ("Campaign") have sent any public communication that would meet this threshold. We note, however, the possibility of confusion regarding this issue. As such and in an abundance of caution, I have directed all publically distributed items contain the disclaimer from now on regardless of whether such distributions meet the threshold of "public communications" or not.

The website of the Campaign is and has been compliant and it is unclear from the complaint when such error occurred nor does the complaint provide an example of such alleged error.

Second Allegation

The second alleged error is that we have not filed our expenses according to the regulations. I would note up front that despite swearing under oath that she has "personally witnessed these errors first hand," the complainant did not, in fact, witness this first hand. She merely guesses and guesses incorrectly. The Campaign met the \$5,000 threshold for reporting on or about July 18, 2010. At that time, we filed the proper forms and are preparing the financial disclosures currently for the next reporting requirement.

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Conclusion

Based on the above, I do not believe we are in violation of any regulation and urge the Commission to dismiss this matter. I welcome any comments or suggestions from the Commission, in addition to the action already taken by me and the Campaign, which might reduce any confusion. As always, the Campaign and I are committed to the highest standards of operation.

One Further Note

I would note some interesting circumstances surrounding the complaint. Though, it is my understanding that there is some level of confidentiality to be expected during this process, it has come to our attention that the complainant is very active in the campaign of a candidate who is running against us in the September Primary. I understand that the complaint procedure is open to anyone, but soon after the complaint was submitted, and prior to our response, there were comments on posted websites under pseudonyms discussing the fact that a complaint was pending at the Commission and wondering if I was the next "Charlie Rangel." Obviously, this comparison is meant to imply the complaint is severe, including fraud, and is intended to damage my campaign rather than correct possible errors.

Given the commitment of the complainant toward another campaign; given the speed of the anonymous posting and the misrepresentations of personal witness, it is not unreasonable to wonder if this was a campaign tactic and the complainant, alone or at the direction of the other campaign, acted with malicious intent. Being very new to this process, it is concerning that the complaint procedure could be so easily abused and, to the extent possible, I would like the Commission to look into this matter. Frivolous complaints designed for the purpose of spreading rumors attack the integrity of the campaign process and should be discouraged at each juncture.

I hope I have sufficiently responded to your inquiry. I am available to discuss any and all of these issues at any time, so please do not hesitate to contact me.

Very best regards,



Michael Stopa

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